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PATENT
Docket No. 29627/36393

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

In re Reissue Application of:

Tully et al.

Reissue Application No.: 09/759,823

For: ANGULAR ORIENTATION
CONTROL SYSTEM FOR
FRICTION WELDING

Filed: January 12, 2001

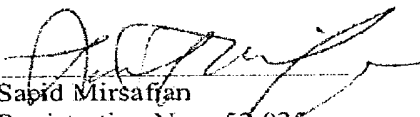
Group Art Unit: 1734

Examiner: James Sells

CERTIFICATE OF MAILING

I hereby certify that this correspondence is
being facsimile transmitted to the Patent and
Trademark Office, Group Art Unit 1734,
facsimile number: (703) 872-9306, on the date
shown below:

Date: April 12, 2004


Sapir Mirsaffan
Registration No.: 52,035

REISSUE DECLARATION

Mail Stop: Non-fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. We (Lowell R. Tully, Dave Konieczny, Stephen A. Johnson and Stephen R. Estes), as named joint inventors, hereby declare that our residence, post office addresses and citizenship are as stated below after our names. We believe we are the original, first and joint inventors of the subject matter which is described and claimed in U.S. Patent No. 5,858,142 (hereinafter "the 142 patent"), issued on January 12, 1999, and for which invention we now solicit a broadening reissue patent.

2. We have assigned the entire right, title and interest in and to the '142 patent to Inertia Friction Welding, Inc. in an assignment recorded in the U.S. Patent and

Trademark Office on December 9, 1997, at Reel 9222 Frame 0508 and believe that we have the right to make this declaration in accordance with 37 C.F.R. § 1.172(a) inasmuch as the referenced accompanying reissue application seeks to enlarge the scope of the claims of the '142 patent.

3. We hereby state that we have reviewed and understand the contents of the '142 patent, including the claims.

4. We believe the '142 patent to be partly inoperative or invalid by reason of our claiming less than we had a right to claim in the '142 patent. We claimed less than we had a right to claim because claim 1 represents the only independent claim in the '142 patent and contains the limitation "moving said holder toward said spindle." This limitation may be construed to limit the invention to a method that moves the holder towards the non-rotatable holder, which is not representative of the invention disclosed by us in the application. The invention described in the application includes friction welding two pieces together by bringing them together in any manner, whether the pieces are brought together by moving one piece, the other piece, or both pieces.

5. We believe the '142 patent to be partly inoperative or invalid by reason of our claiming less than we had a right to claim in the '142 patent. We claimed less than we had a right to claim because claim 1 is a method claim and represents the only independent claim in the '142 patent. Applicants' invention includes more than the methods for friction welding using the apparatus described in the specification, it includes the apparatus itself.

6. We believe the '142 patent to be partly inoperative or invalid by reason of an error in claim 10 that arose without any deceptive intent. The limitation "adjusting the steps until the actual spindle speed equals the desired spindle speed of zero" is in error, because the limitation should read "adjusting the steps until the actual spindle speed equals

the desired spindle speed." The error occurred because at the time that the '142 patent was prepared, prosecuted and ultimately issued, we did not have a complete understanding of the scope and meaning of language contained in claim 10.

7. The error in claiming less than we had a right to claim arose without any deceptive intention on our part. The application that matured into the '142 patent was filed on December 9, 1997. The error occurred because at the time that the '142 patent was prepared, prosecuted and ultimately issued, we did not have a complete understanding of the scope and meaning of language contained in patent claims.

8. All errors being corrected in this reissue application up to the time of filing of this oath or declaration arose without any deceptive intention on our part.

9. We acknowledge a duty to disclose information of which we are aware and which is material to the examination of this reissue application in accordance with 37 C.F.R. § 1.56(a).

10. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this reissue application or any reissue patent issued thereon.

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Inventors' Signature: Lowell R. Tully

Date: 4-8-04

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